

United States Bankruptcy Court
Southern District of New York

In Re:

Delphi Corporation, et al.

Debtors

Chapter 11
Case No. **05-44481**
Claim No. **863**
Court ID:

**Re: Delphi Corporation et al.
– 11th Omnibus Objection**

Dear Whomever it May Concern:

This letter is an objection to Delphi Corporation et al., (“the Debtor”) motion to modify the amount of FLEXIBLE AUTOMATION INC’s claim (“the Claim”) against the Debtor. For the sake of clarity, this letter is in reference to Claim Number 863 and its current Assignee is Redrock Capital Partners (“Current Claimant”).

As you can see from your records, in the 11th Omnibus Objection (“Omnibus”) the Debtor motioned for the Asserted Claim Amount of \$14,900.00 to be reduced to the Modified Claim Amount of \$13,410.00. We believe that this 10% reduction in the Claim Amount is in error and is due to the Debtor’s Accounts Payable failing to pay the 10% holdback on the invoice amount.

As you can see from the last page of the attached invoice, the payment terms are subject to a 10% holdback. The holdback mechanics are that a 100% of the order is invoiced upon shipment. Upon delivery, the Debtor puts 90% of the invoice into Accounts Payable. The remaining 10% is entered into Accounts Payable once the Debtor deems the goods and services acceptable. Since 100% of the goods delivered and services performed were accepted, the Debtor owes the creditor a 100% of the invoice amount (\$14,900.00). Flexible Automation Inc. has concluded that Accounts Payable overlooked entering the holdback.

We hope that this letter removes any confusion and that this matter will be settled quickly. Please contact us for any reason.

Christopher Belitz
/s/ Christopher Belitz

Redrock Capital Partners LLC
111 S. Main Street, Suite C11
PO Box 9095
Breckenridge, CO 80424
970.547.9065

FORM B10
(11/92)

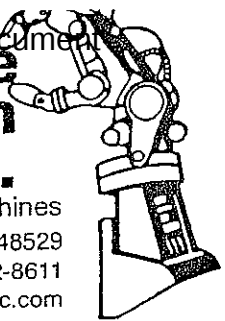
FORM 10. PROOF OF CLAIM

United States Bankruptcy Court <u>Southern</u> District of <u>NEW YORK</u>		PROOF OF CLAIM
In re (Name of Debtor) <u>DELPHI CORP.</u>		Case Number <u>05-44481 (RDD)</u>
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" of payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor <i>(The person or entity to whom the debtor owes money or property)</i> <u>FLEXIBLE AUTOMATION, INC.</u>	<div style="text-align: center;">THIS SPACE IS FOR COURT USE ONLY</div>	
Name and Addresses Where Notices Should be Sent <u>FLEXIBLE AUTOMATION, INC.</u> <u>3307 E. BRISTOL RD.</u> <u>BURTON, MI 48529</u>		
Telephone No. <u>(810) 742-8540</u>		
ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR: <u>DELPHI</u>		Check here if this claim: <input type="checkbox"/> replaces <input type="checkbox"/> amends } a previously filed claim, dated:
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>1. BASIS FOR CLAIM:</p> <p><input checked="" type="checkbox"/> Goods sold</p> <p><input checked="" type="checkbox"/> Services performed</p> <p><input type="checkbox"/> Money loaned</p> <p><input type="checkbox"/> Personal injury/wrongful death</p> <p><input type="checkbox"/> Taxes</p> <p><input type="checkbox"/> Other (Describe briefly)</p> </div> <div style="width: 50%;"> <p><input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a)</p> <p><input type="checkbox"/> Wages, salaries, and compensations (Fill out below)</p> <p>Your social security number _____</p> <p>Unpaid compensations for services performed from _____ to _____</p> <p style="text-align: center;">(date) (date)</p> </div> </div>		
2. DATE DEBT WAS INCURRED: <u>8/26/05</u>		3. IF COURT JUDGMENT, DATE OBTAINED:
4. CLASSIFICATION OF CLAIM. Under the Bankruptcy Code all claims are classified as one or more of the following: (1) Unsecured nonpriority, (2) Unsecured Priority, (3) Secured. It is possible for part of a claim to be in one category and part in another. CHECK THE APPROPRIATE BOX OR BOXES that best describe your claim and STATE THE AMOUNT OF THE CLAIM.		
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><input type="checkbox"/> SECURED CLAIM \$</p> <p>Attach evidence of perfection of security interest</p> <p>Brief Description of Collateral:</p> <p><input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other (Describe briefly)</p> <p>Amount of arrearage and other charges included in secured claim above, if any \$ _____</p> <p><input checked="" type="checkbox"/> UNSECURED NONPRIORITY CLAIM \$</p> <p>A claim is unsecured if there is no collateral or lien on property of the debtor securing the claim or to the extent that the value of such property is less than the amount of the claim.</p> </div> <div style="width: 50%;"> <p><input type="checkbox"/> UNSECURED PRIORITY CLAIM \$</p> <p>Specify the priority of the claim.</p> <p><input type="checkbox"/> Wages, salaries, or commissions (up to \$2000), earned not more than 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier—11 U.S.C. § 507(a)(3)</p> <p><input type="checkbox"/> Contributions to an employee benefit plan—11 U.S.C. § 507(a)(4)</p> <p><input type="checkbox"/> Up to \$900 of deposits toward purchase, lease, or rental of property or services for personal, family, or household use—11 U.S.C. § 507(a)(6)</p> <p><input type="checkbox"/> Taxes or penalties of governmental units—11 U.S.C. § 507(a)(7)</p> <p><input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §§ 507(a) _____</p> </div> </div>		
5. TOTAL AMOUNT OF CLAIM AT TIME \$ <u>14900.-</u> \$ _____ \$ _____ CASE FILED: (Unsecured) (Secured) (Priority)		
<div style="display: flex; justify-content: space-between;"> <div> <p><input type="checkbox"/> Check this box if claim includes charges in addition to the principal amount of the claim. Attach itemized statement of all additional charges.</p> </div> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>\$ <u>14,900.-</u></p> <p>(Total)</p> </div> </div>		
6. CREDITS AND SETOFFS: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. In filing this claim, claimant has deducted all amounts that claimant owes to debtor.		
7. SUPPORTING DOCUMENTS: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, or evidence of security interests. If the documents are not available, explain. If the documents are voluminous, attach a summary.		
8. TIME-STAMPED COPY: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.		
Date <u>11/17/05</u>	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any) <u>Edward Osterhoff President</u>	

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

INVOICE

**Flexible
Automation
Inc.**



Robotics, Vision Systems & Special Assembly Machines
3387 E. Bristol Road • Burton, MI 48529
(810) 742-8540 • Fax: (810) 742-8611
www.flexautoinc.com

Invoice # 41000

Invoice Date: 8/26/05

BILL TO:

Delphi - T & I - Vandalia Plt.
Attn: Delois Patrick
M/C 150
250 Northwoods Blvd
Vandalia, OH 45377

Customer PO # IVS66753 005

SHIP TO:

Delphi - T & I - Adrian Plt.
Delphi Corporation
1450 E. Beecher Street
Adrian, MI 49221

FAI Job # R1050469/470

INVOICE DESCRIPTION:

Billing for modifications to pushnut machine tooling to allow for the
installation of one new pushnut. Please refer to FAI proposal # P051480101
if necessary.

TERMS: UPON RECEIPT

Original Contract Amount.....	\$14,900.00
Approved Change Orders.....	\$0.00
Current Contract Amount.....	\$14,900.00
Total Value of Work Performed To Date.....	\$14,900.00
Less Amount Previously Billed.....	\$0.00
Value of Work Associate With This Invoice.....	\$14,900.00
Applied Taxes.....	\$0.00
Balance Due This Invoice.....	\$14,900.00

DELPHI

DELPHI CORPORATION
DELPHI T&I-HEADQUARTERS
1401 CROOKS ROAD
TROY, MI
48084

US

VENDOR NUMBER 10-841-4004
FLEXIBLE AUTOMATION INC
3387 E BRISTOL RD
BURTON MI
48529-1451

TO:

RECEIVED
JUN 30 2005



DELPHI-T&I - ADRIAN PLANT
DELPHI CORPORATION
1450 E BEECHER STREET
ADRIAN, MI
49221

US

DELPHI-T&I - VANDALIA PLT.
ATTN: DELOIS PATRICK
M/C 150
250 NORTHWOODS BLVD
VANDALIA, OH
45377

US

INVOICE TO:

This order is not binding until accepted. Acceptance should be executed on acknowledgment copy which should be returned to Buyer.
On the reverse side hereof are the terms and conditions to which Seller agrees by acceptance of this order.
This order, including the terms and conditions on the face and reverse side hereof, constitutes the entire agreement between the parties and no other agreement, oral or written, shall be binding on the Buyer unless made in writing and signed by Buyer's authorized representative.
If Government Contract Number is Shown Hereon, additional Terms and Conditions Attached Hereto Apply.

PURCHASE

PAGE

ORDER: IVS66753 005
A L T E R A T I O N

This Number Must Appear On All Invoices, Packing Slips, Packages and Bills of Lading.

(2) copies of your packing slip must accompany each shipment.
Item Identification Number(s) must be shown on Packing Slips and Invoices.

Invoice Attn: Accounts Payable

Do not Declare Valuation of Express Shipments or Insure for Post.

ORDER DATE 01/03/05
ALTERNATION ISSUE DATE 06/21/05
ALTERNATION EFFECTIVE DATE 06/21/05

PHONE: 248-655-07
B TADWELL
C9 *Quaden* *6/28/05*

PURCHASING AGENT

SHIP VIA

ARTISAN ASSOCIATES INC

PRICE MULTIPLE

BASE UNIT PRICE

00010

1

PRT38477 001

SPOT BUY IVS66753 HAS BEEN ALTERED AS FOLLOWS

THIS ORDER IS LISTED IN THE FOLLOWING CURRENCY
USD DOLLAR (UNITED STATES)

ALTERATION ISSUED FOR ENGINEERING CHANGE PER
QUOTE P051480101

THIS ITEM HAS BEEN ADDED

06/30/05 C 0.00%

GM-5-403694-1-04 MODIFICATIONS TO PUSHNUT MACHINE
TOOLING TO ALLOW FOR INSTALLATION OF ONE NEW
PUSHNUT

WHO ORDERED: SJ/R. FRONING/106

14900.0000

210504691470

DESTINATION UNLESS OTHERWISE INDICATED

COLLECT

DESCRIPTION

REQ NUMBER

DATE REQUIRED

TAX CODE/ %

SHIP VIA

ARTISAN ASSOCIATES INC

PRICE MULTIPLE

BASE UNIT PRICE

United States Bankruptcy Court
Southern District of New York

In Re:

Delphi Corporation et al.

Debtors

Chapter 11
Case No. **05-44481**
Claim No. **16361**
Court ID:

**Re: Delphi Corporation et al.
– 11th Omnibus Objection**

Dear Whomever it May Concern:

This letter is an objection to Delphi Corporation et al., (“the Debtor”) motion to Expunge EPSON ELECTRONICS AMERICA INC’s claim (“the Claim”) against the Debtor. This motion to Expunge is declared in the 11th Omnibus Objection (“Omnibus”). For the sake of clarity, this letter is in reference to Claim Number 16361, the Claim is in the amount of \$53,380.00, and its current Assignee is Redrock Capital Partners (“Current Claimant”).

As you can see from your records, the basis for Expungement is that, since the Claim Number 16361 was filed on 10/11/2006, the Claim was filed after the Debtor's bar date. However, the Claim the Omnibus cites was not a claim being filed against the Debtor for the first time. Rather, Claim Number 16361 amends Claim Number 16338, which was filed on 9/28/2006.

As you know, the bankruptcy code allows for amended claims to be filed after the bar date as long as the original claim is filed before the bar date. Since this Claim was filed before the bar date and was only amended after the bar date, the Claim should be removed from the Omnibus and recognized as a current obligation of the Debtor.

We hope that this letter removes any confusion and that this matter will be settled quickly. Please contact us for any reason.

Christopher Belitz
/s/ Christopher Belitz

Redrock Capital Partners LLC
111 S. Main Street, Suite C11
PO Box 9095
Breckenridge, CO 80424
970.547.9065